IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO : 19182 of 1997

Between:

1. M/s. Waddera Bharath Labour Contract (civil) Co-operative Society Ltd.,

Chandanagar, Ranga Reddy District, rep. by its President S. Yadaiah.

2. M/s. Saibaba Waddera Labour Contract Co-operative Society,
Ram Nagar, Karimnagar, rep.by its President V. Pitchaiah.

... PETITIONERS

AND

1. The Superintending Engineer, Irrigation Circle, Nizamabad.

2. The Superintending Engineer, Irrigation Circle, Nirmal.

3. The Superintending Engineer, R & B Circle, Nizamabad.

4. The Superintending Engineer, R & B Circle, Karimnagar.

5. The Superintending Engineer, Panchayatraj Circle, Karimnagar.

6. The Superintending Engineer, Panchayatraj Circle, Nizamabad.

7. The Superintending Engineer, Sreeram Sagar Project, Huzurabad.

8. The Superintending Engineer, G.V.C. Circle-IV, L.M.D.Colony,
Karimnagar.

9. The Superintending Engineer, G.V.C. Circle-I, Pochampadu.

10. Hyderabad Urban Development Authority, rep. by its Vice Chairman,
Paigah Palace, Police Line, Secunderabad.

11. The Superintending Engineer, R & B Circle, Balkampet, Hyderabad.

12. The Executive Engineer, H.C.C.D-I, II & III, C.P.W.D., Sultan Bazaar, Koti, Hyderabad.

13. The Executive Engineer, Division-I, Telecom Department, Barkatpura, Hyderabad.

14. The Executive Engineer, Division –II, Telecom Department, Chikkadpally, Hyderabad.

15. The Executive Engineer, Marketing, Hyderabad.

16. The Managing Director, A.P.S.R.T.C., Musheerabad, Hyderabad.

Writ petition as against R13 and R14 was dismissed as per Court order dated 29-09-1997

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ, order or directions particularly in the nature of writ of mandamus declaring the action of the respondents in insisting the petitioner societies for payment of earnest money deposit, commercial tax clearance certificate or imposing any condition or experience in connection with all tender notices issued on or after
01-07-1997 arbitrary, illegal and unreasonable and consequently direct the respondents not to insist payment of earnest money deposit, commercial tax clearance certificate from the petitioners at the time of allotment of works in tender notices issued on or after 01-07-1997. Issue tender schedules to the petitioners in all such tender notices irrespective of conditions or experience, disregarding district in whichever they register.

Counsel for the Petitioner: MR. KOONA REDDY ANJI REDDY (Not present)

Counsel for Respondents 1 to 9: GP FOR IRRIGATION & COMMAND AREA DEVELOPMENT

Counsel for the Respondent No.10: MR.T.NIRANJAN REDDY

Counsel for the Respondent No.12: MR.P.BHASKARA MOHAN

Counsel for the Respondents 13 and 14: MR. P. BHASKAR MOHAN.

The Court made the following:

ORDER: -

This writ petition is filed seeking *mandamus* declaring the action of the respondents in insisting the petitioner societies for payment of earnest money deposit, commercial tax clearance certificate or imposing any condition or experience in connection with all tender notices issued on or after 01-07-1997, as

arbitrary, illegal and unreasonable and consequently direct the respondents not to insist payment of earnest money deposit, commercial tax clearance certificate from the petitioners at the time of allotment of works in tender notices issued on or after 01-07-1997.

2. This Court on 13-08-1997 while admitting the writ petition passed interim direction in W.P.M.P.No.23269 of 1997 to issue tender schedules to the petitioners without insisting on earnest money deposit, commercial tax clearance certificate and experience certificate pending further orders. Subsequently, the same was modified on 03-04-1998 in W.V.M.P.No.254 of 1998 to the extent of directing the 12th respondent not to insist on earnest money deposit for works upto Rs.50,000/-.

3. When the matter is called, no representation is made on behalf of petitioners.

4. The learned Government Pleader for Irrigation and Command area Development submits that the relief sought for by the petitioners has become infructuous.

5. Accordingly, the writ petition is dismissed as infructuous. No costs.

_____

N. V. RAMANA, J

Dt.04-04-2005

Glv

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1. The Superintending Engineer, Irrigation Circle, Nizamabad.

2. The Superintending Engineer, Irrigation Circle, Nirmal.

3. The Superintending Engineer, R & B Circle, Nizamabad.

4. The Superintending Engineer, R & B Circle, Karimnagar.

5. The Superintending Engineer, Panchayatraj Circle, Karimnagar.

6. The Superintending Engineer, Panchayatraj Circle, Nizamabad.

7. The Superintending Engineer, Sreeram Sagar Project, Huzurabad.

8. The Superintending Engineer, G.V.C. Circle-IV, L.M.D.Colony, Karimnagar.

9. The Superintending Engineer, G.V.C. Circle-I, Pochampadu.

10. Hyderabad Urban Development Authority, rep. by its Vice Chairman, Paigah Palace, Police Line, Secunderabad.

11. The Superintending Engineer, R & B Circle, Balkampet, Hyderabad.

12. The Executive Engineer, H.C.C.D-I, II & III, C.P.W.D., Sultan Bazaar, Koti, Hyderabad.

13. The Executive Engineer, Marketing, Hyderabad.

14. The Managing Director, A.P.S.R.T.C., Musheerabad, Hyderabad.

15.The Executive Engineer, Division-I, Telecom Department, Barkatpura, Hyderabad.

16. The Executive Engineer, Division –II, Telecom Department, Chikkadpally, Hyderabad.

17. Two CCs to the Government Pleader for Irrigation and Command Area Development, High Court Buildings, Hyderabad. (OUT)

18.2CD copies